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HABITUAL CRIMINALS—ADDITIONAL PUNISHMENT ON THIRD CONVICTION—CONSTITUTIONALITY OF STATUTES PROVIDING THEREFOR.—**JOHN A. McDONALD v. COM. OF MASS.**, 21 Sup. Ct. 389.—A criminal alleged to have served two terms in state prison, aggregating seven years, upon conviction for forgery, was adjudged an habitual criminal and sentenced to state prison for twenty-five years under the provisions of Mass. Statutes of 1887, Chap. 435. *Held*, that the statute did not violate constitutional provisions against imposing additional punishment for former crimes, *ex post facto* laws, putting persons twice in jeopardy for the same offense, inflicting unusual or cruel punishments, denying equal protection of the laws, and was constitutional.

This is a Supreme Court case in accordance with the weight of State authority.

INTERSTATE COMMERCE—REGULATION OF RATES—COMPETITION A FACTOR.—**INTERSTATE COMMERCE COM. v. SOUTHERN RY. CO. ET AL.**, 105 Fed. Rep. 703 (Ala.).—Defendant company was charged with violating Sec. 4 of the Act to Regulate Commerce by charging a higher rate between Baltimore and Piedmont, Alabama, than between Baltimore and Anniston, Alabama, a more distant point on the same line. Defendant defended on the ground that a lower rate to Anniston was made necessary on account of competition with another line subject to the Interstate Commerce Act. *Held*, that competition is an element to be taken into account in determining whether a rate is unjust and unreasonable.

The construction of the fourth section of the Act to Regulate Commerce, and the question whether competition is a proper subject to be considered in charging a greater rate for a shorter than is asked for a longer distance, are fully discussed in *Texas & P. Ry. Co. v. Int. Com. Comm.*, 162 U. S. 197. There the court held that competition affecting rates should be considered in determining whether charges are or are not undue and unjust. See also *Int. Com. Comm. v. Ala. Midland Ry. Co.*, 168 U. S. 164.

MONOPOLIES—ANTI-TRUST ACT—COMBINATION IN RESTRAINT OF INTERSTATE COMMERCE.—**LOWERY v. TILE, MANTEL AND GRATE ASS'N OF CAL. ET AL.**, 106 Fed. Rep. 38 (Cal.).—The purpose of defendant company's organization was to unite "all acceptable dealers" in tiles, etc., in San Francisco and vicinity, and all American manufacturers of tiles, etc. Members were elected and fees were exacted. No dealer and active member could purchase from any manufacturer who was not a member and no manufacturer who was a member could sell his products to any dealer who was not a member. *Held*, that such association was in violation of Sections 1 and 2 of the Anti-Trust Act of 1890.

This case is in line with the decision in *Addystone Pipe and Steel Co. v. U. S.*, 175 U. S. 246, which holds that any combination among dealers in that kind of commodities, which in its direct and immediate effect precludes all competition and enhances the purchase price for which such commodity would otherwise be delivered at its destination in another State, would be one in restraint of trade or commerce among the States. But in *U. S. v. Coal Dealers Ass'n*, 85 Fed. Rep. 252, it is held immaterial whether the restraint is fair and reasonable or whether it has increased the price of the commodity.

MUNICIPAL CORPORATION—WATER TAX—FRONTAGE ASSESSMENT.—**RAMSEY COUNTY v. A. P. LEWIS Co.**, 85 N. W. 207 (Minn.).—The charter of the city